

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MALIK WEATHERLY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-cv-00643
)	
FORD MOTOR COMPANY,)	
)	
Defendant.)	

**DEFENDANT FORD MOTOR COMPANY’S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Ford Motor Company, pursuant to F.R.C.P. 56 and L.R. 56.1, and by and through counsel, and hereby moves the Court to enter summary judgment in its favor on all remaining claims asserted by Plaintiff Malik Weatherly in his First Amended Complaint for Damages (Doc. 22) (“FAC”).

Specifically, for Counts I and II of his FAC, Plaintiff claims that by issuing him a one-month suspension for absenteeism on June 10, 2016, Ford unlawfully interfered with his rights and retaliated against him for exercising his rights under the Family and Medical Leave Act, 29 U.S.C. §§ 2601, *et seq.* (“FMLA”). Ford is entitled to summary judgment on Plaintiff’s FMLA claims because they are barred by the FMLA’s two-year statute of limitations. Further, even if the claims are not time-barred, Plaintiff cannot establish the required elements of an FMLA interference or retaliation claim.

For Count IV of his FAC, Plaintiff claims that his asthma (disability) was a contributing factor in Ford’s decision to terminate his employment on June 11, 2017, in violation of the

Missouri Human Rights Act, Mo. Rev. Stat. §§ 213.010, *et seq.* (“MHRA”). Ford is entitled to summary judgment on Plaintiff’s MHRA claim because it is barred by the law of the case doctrine. Further, even if the claim is not barred, Plaintiff cannot establish that he was qualified to perform the essential functions of his position or that his disability was a contributing factor in his termination. Rather, the undisputed evidence demonstrates that Ford terminated Plaintiff for absenteeism.

In support of this Motion, Ford respectfully refers the Court to Defendant Ford Motor Company’s Suggestions in Support of its Motion for Summary Judgment, which is being filed herewith.

WHEREFORE, Defendant Ford Motor Company respectfully requests that the Court grant Ford’s motion for summary judgment, enter judgment in favor of Ford and against Plaintiff on all claims, award Ford its costs and fees incurred herein, and grant Ford such other and further relief as the Court deems just.

Dated: August 27, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which serves notice of the same on the following counsel of record:

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